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C O N F I D E N T I A L SECTION 01 OF 02 HONG KONG 000354

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TAGS: [PGOV](#) [PHUM](#) [MC](#)

SUBJECT: MACAU PASSES ARTICLE 23 LEGISLATION WITHOUT  
SERIOUS OPPOSITION

REF: (A) HONG KONG 335 (B) HONG KONG 232 AND PREVIOUS

Classified By: Consul General Joe Donovan for reasons 1.4 (b) and (d)

11. (C) Summary and Comment: The Macau Legislative Assembly (LA) passed Macau's Article 23 Bill into law February 25 by a 24-2 vote, with one abstention; the law is expected to take effect March 3. The opposition, led by the proto-democratic New Macau Association (NMA), was able to muster only thirteen participants to a candlelight vigil held near the LA meant to motivate public vigilance and call on the government to balance protecting national security with safeguarding fundamental freedoms. NMA has focused much of its energy recently on criticizing increasingly frequent incidents of Hong Kong politicians, activists, and even accredited media being denied entry into Macau, which observers have argued suggests the Macau government is using a blacklist against perceived critics. Meanwhile, despite fears that Macau's action would push Hong Kong to revisit Article 23, a senior Hong Kong government official told the Consul General as recently as February 20 that the Hong Kong government had no plans to re-open the issue in the near future. With the overwhelming majority of even Macau's few directly-elected legislators squarely in the government camp, Macau's passing an Article 23 law was a done deal from the start. End summary and comment.

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Final Cries of Indignation  
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12. (C) The proto-democratic NMA, led by legislators Au Kam-san and Antonio Ng Kuok-cheong, invited the people of Macau to join a "candlelight sit-in" outside the Legislative Assembly February 24. Perhaps bowing to the inevitable, NMA chose to forgo any attempt to oppose or stall the bill, and merely called for citizens to be vigilant about their rights and for the government to "achieve a balance between protecting national security and safeguarding human rights." NMA also warned the government and law enforcement "not to abuse police powers in order to interfere in or suppress dissidents or dissent activities or create terror (kongbu)." Media reported only thirteen people (and thirty police) appeared at the vigil, which contrasted with the hundred or so who turned up on the 25th to support the passage of the bill. Media covered the events, and has given respectable coverage to the NMA's failed attempts to pass amendments to the bill (ref B).

13. (C) The only other voices raised in opposition were Amnesty International and the Hong Kong Journalists' Association (HKJA). Amnesty somewhat vaguely called for work on the bill to be halted pending revision of "the bill's potential threats to human rights." HKJA mentioned specifically the bill's lack of a public interest defense for journalists and its vague language regarding "preparatory acts," and generally found the bill to be at odds with the Johannesburg Principles on national security legislation.

Both Amnesty and HKJA feared the bill would have a "demonstration effect" on Hong Kong, leading to a renewed push to pass Article 23 legislation there.

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The Inevitable End  
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¶4. (C) The Legislative Assembly (LA) held its final, clause-by-clause vote on the "Law on Safeguarding National Security" on February 25. As expected, the bill passed easily, with a solid block of 24 votes for each of the clauses. (Note: 27 of Macau's 29 legislators voted on the bill; the LA President by tradition does not vote and one legislator was absent. End note.) Proto-democratic New Macau Association (NMA) legislators Antonio Ng and Au Kam-san voted against provisions regarding "preparatory acts", the vague language surrounding "prying into" classified matters, and some of the other areas their failed amendments (ref B) had meant to address. Au's concluding words on the law were that, while it should not immediately cause a clampdown on the political environment, its grey areas required vigilance from the public and restraint on the part of government and law enforcement. Democratic-leaning "New Hope" legislator Jose Pereira Coutinho did not vote against any part of the law, but abstained on a handful of clauses.

¶5. (C) The Macau government, in a statement issued that night, praised this expression of the Macau people's "love China, love Macau spirit", pledged to faithfully implement the law and, in language which appeared lifted from NMA, promised "to achieve a balance in protecting national

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security and safeguarding fundamental rights and freedoms." Media expect the law to be gazetted March 2, which would put it in force March 3.

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Illuminating the Black List  
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¶6. (C) In recent days, the NMA has focused more of its attention on what appears to be tighter control of Macau's border, with security officials citing (but not explaining) Macau's internal security law as grounds to turn away outside activists and even media. Ref B and previous report the growing numbers of Hong Kong activists and pan-democratic legislators denied entry to Macau, even when traveling for leisure. What has caught the attention of even the Hong Kong government, however, was the decision to block a South China Morning Post (SCMP) photojournalist from entering Macau, despite the Macau government's accrediting him to cover the Ao Man-long corruption trial. The SCMP and local media groups have made strident protests, and even Chief Secretary for Administration Henry Tang raised the matter with Macau Secretary for Economy and Finance Francis Tam on the margins of a Pearl River Delta cooperation meeting February 19. While Tang and Hong Kong Secretary for Security Ambrose Lee have expressed varying levels of unease at the bans, the Hong Kong government has held to the line that each jurisdiction has its own immigration procedures, a stance criticized on the editorial page of respected centrist daily Ming Pao. The same photojournalist was turned away a second time on February 25, when he went to Macau to cover passage of Article 23.

¶7. (C) For its part, NMA issued a statement condemning the moves as akin to the imposition of an "iron curtain." NMA argues the internal security law is meant to prevent the entry into Macau of those known or believed to be intent on committing violent acts threatening the well-being and/or social order of Macau, such as terrorists or those connected to organized crime. NMA criticized what it described as the abuse of this law to prevent those traveling to Macau to take part in academic exchanges and peaceful political events,

warning that these actions cast a pall on an economy dependent on tourism.

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Hong Kong: No Rush to Resume  
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¶18. (C) Throughout Macau's consideration of Article 23 legislation, a primary concern expressed by Hong Kong democrats and activists has been the possibility that Macau's passage of a national security law would lead to the central government's insisting Hong Kong do the same. Hong Kong debated Article 23 legislation in 2003, but massive public opposition and a lack of support within Hong Kong's Legislative Council led to the bill's ignominious withdrawal and the resignations of two cabinet officials, followed by the early departure of then-Chief Executive Tung Chee-hwa. Hong Kong government officials, echoed by the Central Government Liaison Office, have said on several occasions that Hong Kong's focus right now is on the economy and there are no plans to re-introduce an Article 23 bill at this time. Secretary for Constitutional and Mainland Affairs Stephen Lam reiterated this view to the Consul General February 20 (ref A). A government spokesman said much the same thing to the press yesterday following passage of Macau's law.

¶19. (C) Local observers are generally in agreement that it would be a mistake for Hong Kong to take on Article 23 anytime soon. Where they split is on whether Hong Kong will have a choice. One scenario holds that the bill will be brought up toward the end of Chief Executive Donald Tsang's current term, on the grounds that he has no further need of political capital. A counter-argument to this view is the expected boost that thus would be given to the pan-democrats in the 2012 Legislative Council Elections. The second theory holds that the next Chief Executive will be told to get it out of the way early in his or her term.  
DONOVAN